IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 769 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/07/2003 in W.P.NO: 8254 OF 1999 on the file of the High Court of Andhra Pradesh.)

Between:

1 Govt.of A.P., rep.by its Secsretary, General Administration Dept., Secretariat, Hyderabad.
2 The District Collector, Warangal.

..... APPELLANT(S)

AND

Smt.Guda Uma, W/o.late G.Mahender,
Raghunathpally village and mandal, Warangal Dist.

.....RESPONDENT

Counsel for the Appellant: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.: MR.MIRZASAFIULLA BAIG

The Court made the following :

ORDER : (Per G.Bikshapathy,J)

1. This Writ Appeal is filed against the order passed by the leaned single Judge in Writ Petition No.8254 of 1999 dated 23.7.2003. The Government is the appellant before this Court.

2. The respondent filed an application before the authorities stating that her husband was killed by extremists on 19-5-1997 and according to G.O.Ms.No.70, dated 26-2-1996 she is entitled for ex-gratia of Rs.1,00,000/- and also employment to the eligible dependent in the family. It is the case of the respondent that she was paid Rs.1,00,000/- ex-gratia but not granted employment as per the said Government Order. Therefore, she filed the writ petition seeking directions to the respondents to issue appointment order to the eligible dependent in the family. The learned single Judge after considering the matter and while interpreting G.O.Ms.No.469, dated 8-11-1996 and amended G.O.Ms.No.173, dated 26-4-1997 held that the person making an application should not be an accused in any offence since the applicant

(wife) was not involved in any criminal case, directions were issued to the authorities to appoint the respondent herein to any suitable post. Aggrieved by the said order, the present Writ Appeal has been filed by the Government.

3. Learned Government Pleader for General Administration Department submits that the learned single Judge has not interpreted the provisions of G.O.Ms.No.173, dated 26-4-1997 in proper perspective. He submits that as per G.O.Ms.No.173, dated 26-4-1997 the requirement for grant of employment is that the deceased who was killed in the extremists' activities should not have been an accused in any offence, but not the person who is making the application for employment. Therefore, the order of the learned single Judge is liable to be set aside. He further submits that admittedly the deceased was involved in three crimes, which is not disputed before this court. He was an accused in Crime.No.13/1990 of P.S., Raghunathpalli, Crime No.127/1990 of P.S. Jangaon and Crime No.136/1990 of P.S. Jangaon.

4. Learned counsel for the respondent submits that the order of the learned single Judge is quite legal and valid and the interpretation given by it is in consonance with the policy of the Government to accommodate the dependents of the deceased in employment.

5. Having heard the learned counsel for both the parties at length, we are not in a position to accept the interpretation given by the learned single Judge. The Government has issued incentives to the families of the deceased persons who were killed in the extremist activities. Its intention is that the spouse is entitled for Rs.1,00,000/- ex-gratia, apart from that one of the dependent in the family is also entitled for employment in the Government, on the condition that the deceased was not an accused in any crime. But, what the learned single Judge has construed from the said Government Order is that the person seeking employment should not be an accused. We do not find any scope for such an interpretation in the said Government

Order.

6. In the result, this Writ Appeal is allowed setting aside the order passed by the leaned single Judge in Writ Petition No.8254 of 1999 dated 23.7.2003. No costs.

Tnb

Dated: 08-07-2004 (G.Bikshapathy, J)

CC in one week.

(B.Seshasayana Reddy, J)

To

1. Government Pleader for General Administration Department, High Court Buildings.

2. The District Collector, Warangal District, Warangal.

3. 2 CD copies (OUT)